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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,146	06/01/2001	Jose M. Cruz-Albrecht	SUN-P5912-RSH	3253
22835	7590	04/05/2005	EXAMINER	
A. RICHARD PARK, REG. NO. 41241 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95616			PHU, SANH D	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/873,146	Applicant(s) CRUZ-ALBRECHT ET AL.	
	Examiner Sanh D Phu	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 20-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 11/12/2004.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1–4, 8,13–14,19 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Metze (5,754,948) newly cited.

Regarding to claims 1, 13 and 32, see Fig. 1 and 2, Metze discloses an apparatus that facilitates communication between integrated circuits within a computing system (12), comprising:

A first integrated circuit (10) (see Fig.1) within the computing system;

A first radio port (see Fig. 2) coupled to the first integrated circuit, wherein the first radio port includes a first transmitting mechanism that is

configured to generate a radio signal in response to a first command from the first integrated circuit (10) (see Fig. 1 and 2, col. 3, line 27 to col. 5, line 39);

A first antenna (see antenna in figure 2) coupled to the first radio port to the computing subsystem, wherein the first antenna is configured to transmit the first radio signal generated by the first transmitting mechanism, and wherein the first antenna is additionally configured to detect a first response to the radio signal (see Fig. 1 and 2, col. 3, line 27 to col. 5, line 39); and

Wherein the first radio port further includes a first receiving mechanism, wherein the first receiving mechanism is configured to receive the first response from the first antenna and pass the first response to the first integrated circuit (see Fig. 1 and 2, col. 3, line 27 to col. 5, line 39);

A second integrated circuit within the computing system (see Fig. 1); and

A second radio port coupled to the second integrated circuit, wherein the second radio port includes a second transmitting mechanism that is configured to generate a radio signal in response to a second command from the second integrated circuit (see Fig. 1 and 2, col. 3, line 27 to col. 5, line 39);

Wherein the second radio port further includes a second receiving mechanism, wherein the second the receiving mechanism is configured to receive a radio signal for second integrated circuit (see Fig. 1 and 2, col. 3, line 27 to col. 5, line 39); and

Wherein the first radio port is configured to communicate with the second radio port, whereby the first integrated circuit within the computing system can communicate with the second integrated circuit within a same computer system through the radio signals without using normal bus structures of the same computer system (see Fig. 1 and 2, col. 3, line 27 to col. 5, line 39).

Regarding to claim 2, Metze discloses the apparatus wherein communication between the first integrated circuit and the second integrated circuit includes communication of one of, boundary-scan data, initialization information, identification information, configuration information, results of self-test, and error reports(see Fig. 1, lines 32-67).

Regarding to claim 3, Metze discloses that the apparatus wherein the first radio port is implemented in a separate integrated circuit (see Fig. 1).

Regarding to claim 4, Metze discloses that the apparatus wherein the first radio port is incorporated into the first integrated circuit (see Fig. 1, 2).

Regarding to claim 8, Metze discloses that the apparatus wherein an antenna (see antenna in Fig.2) is incorporated into the first integrated circuit (see Fig. 1, 2).

Regarding to claim 14, claim 14 is rejected with the similar reason as set forth in claim 2.

Regarding to claim 19, claim 19 is rejected with the similar reason as set forth in claim 8.

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7, 9-10 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metze (5,754,948) in view of Tuttle et al (5,621,913) newly cited.

Regarding to claims 5-7 and 16-18, Metze does not disclose that the apparatus wherein the first radio port receives operating power from power supply, battery or by radio waves.

Tuttle et al disclose the first radio port receives operating power from the first integrated circuit's power supply and battery or radio waves (see col.2, lines 45-51 and col. 6, lines 19-32).

Therefore, it would have been obvious for one skilled in the art for one skilled in the art to implement Metze's integrated circuit, as taught by Tuttle et al, in order to have a power supply or battery or radio waves so that the integrated circuit works properly.

Regarding to claims 9 and 10, Metze does not specifically disclose that the apparatus wherein an antenna is a trace on a printed-wire board or a separate wire.

Tuttle et al disclose that the apparatus wherein an antenna is a trace on a printed-wire board or a separate wire (see Col. 2, lines 30– 38).

It would have been obvious for one skilled in the art to implement the Metze's antenna, as taught by Tuttle et al, so that the integrated circuit is more compact and flexible.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metze (5,754,948) in view of Nagata et al (6,680,950) previously cited.

Regarding to claim 11, Metze does not disclose a collision mechanism

Nagata et al disclose the apparatus wherein a collision detection mechanism that is configured to detect a collision when more than one response is received simultaneously (see col. 3, lines 44–53).

Therefore, at the time of the invention was made, it would have been obvious for a person skilled in the art to implement the apparatus as taught by Nagata et al to have a collision detection so that the apparatus is able to maintain connection and to transmits a signal to the second apparatus.

Regarding to claim 12, Nagata et al disclose that the apparatus wherein the radio port includes a collision recovery mechanism that is configured to resolve collisions when more than one response is received simultaneously (see col. 3, lines 44–53).

Response to Arguments

5. Applicant's arguments with respect to claims 1–19 and 32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-9817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu
Examiner
Art Unit 2682

SP


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
4/1/05

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